

REMARKS

Claims 28-32 and 34-46 remain in the application after amendment herein. All of the claims were finally rejected on essentially the same grounds presented in the prior office action, under Section 102 based on the Primm reference (US 7,159,022). The claims have been amended herein. The amendment does not broaden the scope of the claims or raise any new issues. Rather, the amendment brings further clarity to the claims, only providing corrections of an editorial and an apparent nature, assuring full compliance with the requirements under Section 112. Entry of this amendment is respectfully requested in order to place the application into condition for allowance or alternatively to place the claims into better form for consideration upon appeal. Reconsideration of the claimed subject matter is requested in view of the following remarks.

The Final Office Action includes a response to applicant's prior arguments, implying that applicant has overlooked a basis in the Primm reference for finding anticipation. For example, it has been urged that Primm does not disclose a system or method wherein, as required by claim 28,

"all of the automation devices forward each request which arrives via a receiving mechanism to all other automation devices for which it has knowledge."

In making the rejection final, citations from the Primm reference are taken out of context and misapplied. That is, for example, claim 28 is directed to sending an address "directly to the automation device which submits the request" such that each device that sends an address *also* forwards each request for an address "to all other automation devices ..."

This is simply **not** taught or suggested by the Primm reference. However, the final rejection cites deficient support from the Primm reference (Col. 7, lines 27-52). The rejection refers to disclosure wherein one appliance sends an alert in response to an alarm condition, *incorrectly inferring* that other appliances send their address information to the **same** appliance that sends out the alert. Actually, the passage (Col. 7, lines 33-34) describes sending information to the remote monitoring system. For this reason, the Final Office Action fails to establish a *prima facie* case for anticipation of independent claims 28, 37 and 44. More is required.

Therefore the Examiner is requested to issue an advisory action addressing this deficiency or to withdraw the rejection. For purposes of economy, it is important that this rejection be

withdrawn now, as Applicant should not have to bear the burden of appealing a rejection which, on its face, is deficient, only to have the Examiner then withdraw the application from appeal. Applicant deserves more careful consideration at this time.

Also, contrary to conclusions reached in the Final Office Action, the features presented in claims 35 and 43 cannot be anticipated, i.e., wherein a request for forwarding is canceled "on the basis of a time limit." The argument supporting the rejection still cites the passage of Primm at Col. 8, lines 28-44. Again, the Examiner is advised that this passage does not disclose or suggest the recited subject matter. That is, learning of a shutdown or device failure, or merely not receiving a response to a ping – is *not the same as canceling* a request "on the basis of a time limit." It is only the applicant who teaches the concept of canceling a forwarding request based on a time limit. The Primm reference does not at all disclose this subject matter and clearly the citation made to support the rejection is, on its face, totally deficient.

### Conclusion

Based on the amendments made in the prior response and the arguments now twice presented, it must be concluded that such distinctions are made of record that the application is in condition for allowance. Therefore Examiner is must withdraw these unfounded rejections.

The Commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 3/6/08

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